

INTERNET  
FORM NLRB-501  
(2-08)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case 5-CA-98050

Date Filed 2/11/13

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

MillerCoors, LLC

b. Tel. No. 540-289-8500

c. Cell No.

f. Fax No. 540-289-8405

g. e-Mail

amy.michtich@millercoors.co

h. Number of workers employed  
approx. 375

d. Address (Street, city, state, and ZIP code)

5135 South Eastside Highway  
Elkton, VA 22827

e. Employer Representative

Amy J. Michtich

i. Type of Establishment (factory, mine, wholesaler, etc.)

Brewery

j. Identify principal product or service

Production of beer

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1st subsections) 3 &amp; 4

of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

SEE ATTACHMENT A.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)  
Teamsters Brewery & Soft Drink Workers Conference

4a. Address (Street and number, city, state, and ZIP code)

25 Louisiana Avenue, N.W., Washington, D.C. 20001

4b. Tel. No. 202-624-6921

4c. Cell No.

4d. Fax No. 202-624-8137

4e. e-Mail

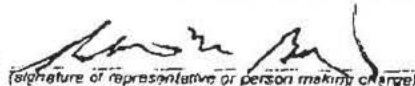
laughton@teamsters633.com

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  
International Brotherhood of Teamsters

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By



Robert M. Baptiste, Counsel

(Print type name and title or office, if any)

Tel. No.

202-223-0723

Office, if any, Cell No.

202-258-3513

Fax No.

202-223-9677

e-Mail

Rbaptiste@bapwild.com

Address 1150 Conn. Ave., NW, Ste. 315, Washington, DC 20036

2/10/13

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

## ATTACHMENT A TO 2/10/13 CHARGE AGAINST MILLERCOORS, LLC

(b) (6), (b) (7)(C) interrogated employees concerning the basis for the unlawful statements attributed to (b) (6), (b) (7)(C) in the Complaint in Cases 5-CA-89566 & 92796 seeking to determine the source of the information provided to the NLRB.

(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) conducted meetings with employees to determine the nature, scope and progress of the NLRB investigations.

(b) (6), (b) (7)(C) ripped up Union literature and announced to the employees that no one would be disciplined for doing the same.

Management confiscated Union literature in non-work areas but allowed anti-Union material to remain.

(b) (6), (b) (7)(C) interrogated employees concerning their support for the Union and advised that many would lose their jobs if the Union won the election.

Management discriminated against known Union supporters by ordering them to remain in their work areas, while allowing "Vote No" leaders to roam throughout the plant to distribute the Company's literature and T-shirts.

Management discriminated against (b) (6), (b) (7)(C) by causing the cancellation of (b) (6), (b) (7)(C) health coverage for (b) (6), (b) (7)(C) in order to retaliate against (b) (6), (b) (7)(C) and to discourage others from supporting the Union.

Management required supervisors and non-supervisory employees to attend daily meetings to target individuals, to coerce those individuals on the floor and in break rooms and report back on the results of their interrogations and coercion.





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 05  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198

February 11, 2013

Ms. Amy J. Michtich  
MillerCoors, LLC  
5135 S East Side Hwy  
Elkton, VA 22827-3469

Re: MillerCoors, LLC  
Case 05-CA-098050

Dear Ms. Michtich:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Theresa Lenz whose telephone number is (410)962-5616. If this Board agent is not available, you may contact Supervisory Field Examiner Nathan M. Seidman whose telephone number is (410)962-2740.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.** Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether

or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

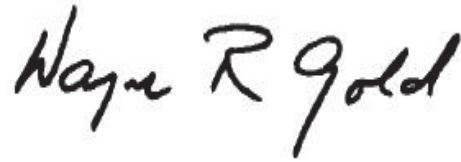
**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.



We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Wayne R Gold". The signature is written in a cursive, slightly slanted style.

Wayne R. Gold  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: John Wymer, Esq.  
Sherman & Howard, LLC  
3399 Peachtree Rd., NE  
Atlanta, GA 30326-1120



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Telephone: (410)962-2822  
Fax: (410)962-2198

February 11, 2013

Teamsters Brewery &  
Soft Drink Workers Conference  
25 Louisiana Ave., NW  
Washington, DC 20001-2130

Re: MillerCoors, LLC  
Case 05-CA-098050

Dear Sir or Madam:

The charge that you filed in this case on February 11, 2013 has been docketed as case number 05-CA-098050. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge will be investigated by Field Attorney Theresa Lenz whose telephone number is (410)962-5616. If the Board agent is not available, you may contact Supervisory Field Examiner Nathan M. Seidman whose telephone number is (410)962-2740.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or at the Regional office upon your request.

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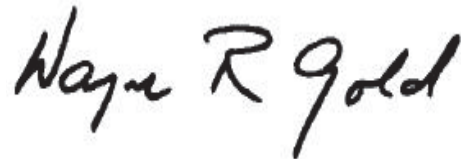
**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Wayne R Gold". The signature is written in a cursive, slightly slanted style.

Wayne R. Gold  
Regional Director

cc: Robert M. Baptiste, Esq.  
Baptiste & Wilder, P.C.  
1150 Connecticut Ave., NW  
Ste. 315  
Washington, DC 20036-4194